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Matthew W. Grimshaw (State Bar No. 21414) The following constitutes
mgrimshaw@rutan.com the order of the court. Signed November 07, 2011

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Stephen L. Johnson

Stephen L. Johnson
U.S. Bankruptcy Judge

Attorneys for Secured Creditor California Bank &
Trustee, as assignee of the FDIC, receiver for
Vineyard Bank

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

In re
HOWELL & MCNEIL DEVELOPMENT,
LLC

Debtor,

Case No. 11-53338 SJ

Chapter 11

**ORDER GRANTING MOTION FOR
RELIEF FROM THE AUTOMATIC
STAY**

Date: October 25, 2011
Time: 1:30 p.m.
Place: Courtroom 3099

On October 25, 2011, the Court conducted a hearing on the Motion (the "**Motion**")
For Relief From the Automatic Stay, filed by California Bank & Trust as assignee of the
FDIC, receiver for Vineyard Bank ("**CBT**"). Eric J. Fromme of Rutan & Tucker, LLP
appeared telephonically on behalf of CBT. William Healy of Campeau Goodsell Smith,
L.C appeared on behalf of the Debtor. There were no other appearances at the hearing.

The Court, having considered the Motion, which was opposed, and all papers,
declarations, and exhibits filed in support of the Motion, being fully advised on the matter,
for the reasons stated on the record, and good cause appearing therefor, hereby ORDERS

1 as follows:

2 1. The Motion is GRANTED under 11 U.S.C. § 362(d)(2) for the reasons stated
3 on the record.

4 2. The Motion affects the following certain real property commonly known as
5 631 Beach Drive, Aptos, California, 95003-5307 Assessor's Parcel Number 043-
6 161-53, located in Santa Cruz County, California (the "***Property***"). See
7 **Attachment A** for legal description.

8 3. As to CBT, its successors, transferees and assigns, the stay of 11 U.S.C. §
9 362(a) is terminated as to the Property.

10 4. This Order is binding and effective despite any conversion of this bankruptcy
11 case to a case under any other chapter of the Bankruptcy Code.

12 5. CBT shall give written notice to the Debtor of the date, time and place of
13 the foreclosure sale within five (5) days of entry of this Order.

14 6. The 14-day stay as provided in Federal Rule of Bankruptcy Procedure
15 4001(a)(3) is not waived.

16 7. The Certificate of Service was filed on October 31, 2011, as Docket No. 84.

17
18 ** END OF ORDER **

19 Approved as to Form and Content

Campeau Goodsell Smith, L.C.,

20
21 By: /s/ William Healy

William Healy
Attorney For Debtors

Escrow No.: 07-98202869-LR
Locate No.: CATT0732-7743.2982-0032512028
Title No.: 07-32512028-KC

EXHIBIT "A"

THE LAND REFERRED TO HEREIN BELOW IS SM.JATED IN THE UNINCORPORATED AREA, COUNTY OF SANTA CRUZ, STATE OF CALIFORNIA, AND IS DESCRIBED AS FOLLOWS:

Being a part of Parcel Eight conveyed to Howell & McNeil Development, LLC, by deed recorded May 24, 2000 as Document #20004-025202, Official Records of Santa Cruz County and being more particularly described as follows, to wit:

Beginning at a point on the Northern sideline of Beach Drive in the Southern boundary of said Parcel Eight, from which the Southwestern corner thereof bears North 45° 30' 00" West 80.00 feet distant; Thence from said Point of Beginning, along the Southern boundary of said Parcel Eight North 45° 30' 00" West 80.00 feet to the Southwestern corner thereof; thence along the Western boundary of said Parcel Eight, North 44° 30' 35" East 101.35 feet, more or less, to an angle therein; thence North 45° 30' 00" West 6.00 feet, more or less, to an angle therein; thence North 44° 30' 35" East 1.00 feet, more or less, to the Northwestern corner of said Parcel Eight; thence along the Northern boundary thereof South 45° 30' 00" West 86.00 feet, more or less, to a point from which the Point of Beginning bears South 45° 30' 00" East; thence leaving said Northern boundary, South 45° 30' 00" East 102.35 feet, more or less, to the Point of Beginning.

COURT SERVICE LIST

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